UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/682
15 June 1999

ORIGINAL: ENGLISH

LETTER DATED 15 JUNE 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to attach a copy of a letter dated 10 June 1999 addressed to me by Javier Solana, Secretary-General of the North Atlantic Treaty Organization (NATO), transmitting a copy of the military-technical agreement concluded by NATO military authorities with the Federal Republic of Yugoslavia (Serbia and Montenegro) on the procedures and modalities for the withdrawal from Kosovo of security forces of the Federal Republic of Yugoslavia (see annex).

I should appreciate it if this letter and its annex could be brought to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

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Annex

Letter dated 10 June 1999 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

Please find attached for your information a copy of the military-technical agreement concluded by NATO military authorities with the Federal Republic of Yugoslavia (Serbia and Montenegro) on the procedures and modalities for the withdrawal from Kosovo of security forces of the Federal Republic of Yugoslavia.

(Signed) Javier SOLANA

Enclosure

Military-technical agreement between the international security force (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia

Article I

General obligations

1. The Parties to this agreement reaffirm the document presented by President Ahtisaari to President Milosevic and approved by the Serb Parliament and the Federal Government on 3 June 1999, to include deployment in Kosovo under United Nations auspices of effective international civil and security presences. The Parties further note that the United Nations Security Council is prepared to adopt a resolution, which has been introduced, regarding these presences.

2. The State governmental authorities of the Federal Republic of Yugoslavia and the Republic of Serbia understand and agree that the international security force (KFOR) will deploy following the adoption of the Security Council resolution referred to in paragraph 1 and operate without hindrance within Kosovo and with the authority to take all necessary action to establish and maintain a secure environment for all citizens of Kosovo and otherwise carry out its mission. They further agree to comply with all of the obligations of this agreement and to facilitate the deployment and operation of this force.

3. For purposes of the agreement, the following expressions shall have the meanings as described below:

(a) "The Parties" are those signatories to the agreement;

(b) "Authorities" means the appropriate responsible individual, agency or organization of the Parties;

(c) "Federal Republic of Yugoslavia forces" includes all of the Federal Republic of Yugoslavia and Republic of Serbia personnel and organizations with a military capability. This includes regular army and naval forces, armed civilian groups, associated paramilitary groups, air forces, national guards, border police, army reserves, military police, intelligence services, federal and Serbian Ministry of Internal Affairs local, special, riot and anti-terrorist police, and any other groups or individuals so designated by the international security force (KFOR) commander;

(d) The air safety zone (ASZ) is defined as a 25-kilometre zone that extends beyond the Kosovo province border into the rest of Federal Republic of Yugoslavia territory. It includes the airspace above the 25-kilometre zone;

(e) The ground safety zone (GSZ) is defined as a 5-kilometre zone that extends beyond the Kosovo province border into the rest of Federal Republic of Yugoslavia territory. It includes the terrain within that 5-kilometre zone;

(f) Entry-into-force day (EIF) is defined as the day this agreement is signed.

4. The purposes of these obligations are as follows:

(a) To establish a durable cessation of hostilities, under no circumstances shall any forces of the Federal Republic of Yugoslavia and the Republic of Serbia enter into, re-enter, or remain within the territory of Kosovo or the ground safety zone and the air safety zone described in article I, paragraph 3, without the prior express consent of the international security force (KFOR) commander. Local police will be allowed to remain in the GSZ.

The above paragraph is without prejudice to the agreed return of Federal Republic of Yugoslavia and Serbian personnel, which will be the subject of a subsequent separate agreement as provided for in paragraph 6 of the document mentioned in paragraph 1 of this article;

(b) To provide for the support and authorization of the international security force (KFOR) and in particular to authorize the international security force (KFOR) to take such actions as are required, including the use of necessary force, to ensure compliance with this agreement and protection of the international security force (KFOR), and to contribute to a secure environment for the international civil implementation presence and other international organizations, agencies and non-governmental organizations (details in appendix B).

Article II

Cessation of hostilities

1. The Federal Republic of Yugoslavia forces shall immediately, upon entry into force of this agreement, refrain from committing any hostile or provocative acts of any type against any person in Kosovo and will order armed forces to cease all such activities. They shall not encourage, organize or support hostile or provocative demonstrations.

2. Phased withdrawal of Federal Republic of Yugoslavia forces (ground). The Federal Republic of Yugoslavia agrees to a phased withdrawal of all Federal Republic of Yugoslavia forces from Kosovo to locations in Serbia outside Kosovo. Federal Republic of Yugoslavia forces will mark and clear minefields, booby traps and obstacles. As they withdraw, Federal Republic of Yugoslavia forces will clear all lines of communication by removing all mines, demolitions, booby traps, obstacles and charges. They will also mark all sides of all minefields. the entry and deployment of the international security force (KFOR) into Kosovo will be synchronized. The phased withdrawal of Federal Republic of Yugoslavia forces from Kosovo will be in accordance with the sequence outlined below:

(a) By EIF + 1 day, the Federal Republic of Yugoslavia forces located in zone 3 will have vacated, via designated routes, that zone to demonstrate compliance (depicted on the map in appendix A to this agreement). Once it is verified that Federal Republic of Yugoslavia forces have complied with this

subparagraph and with paragraph 1 of this article, NATO air strikes will be suspended. The suspension will continue provided that the obligations of this agreement are fully complied with and provided that the Security Council adopts a resolution concerning the deployment of the international security force (KFOR) so rapidly that a security gap can be avoided;

(b) By EIF + 6 days, all Federal Republic of Yugoslavia forces in Kosovo will have vacated zone 1 (depicted on the map in appendix A to this agreement). Establish liaison teams with the KFOR commander in Pristina;

(c) By EIF + 9 days, all Federal Republic of Yugoslavia forces in Kosovo will have vacated zone 2 (depicted on the map in appendix A to this agreement);

(d) By EIF + 11 days, all Federal Republic of Yugoslavia forces in Kosovo will have vacated zone 3 (depicted on the map in appendix A to this agreement);

(e) By EIF + 11 days, all Federal Republic of Yugoslavia forces in Kosovo will have completed their withdrawal from Kosovo (depicted on the map in appendix A to this agreement) to locations in Serbia outside Kosovo, and not within the 5-kilometre GSZ. At the end of the sequence (EIF+11), the senior Federal Republic of Yugoslavia force commanders responsible for the withdrawing forces shall confirm in writing to the international security force (KFOR) commander that the Federal Republic of Yugoslavia forces have complied and completed the phased withdrawal. The international security force (KFOR) commander may approve specific requests for exceptions to the phased withdrawal. The bombing campaign will terminate on complete withdrawal of Federal Republic of Yugoslavia forces as provided under article II. The international security force (KFOR) shall retain, as necessary, authority to enforce compliance with this agreement;

(f) The authorities of the Federal Republic of Yugoslavia and the Republic of Serbia will cooperate fully with the international security force (KFOR) in its verification of the withdrawal of forces from Kosovo and beyond the ASZ/GSZ;

(g) Federal Republic of Yugoslavia armed forces withdrawing in accordance with appendix A, i.e., in designated assembly areas or withdrawing on designated routes, will not be subject to air attack;

(h) The international security force (KFOR) will provide appropriate control of the borders of the Federal Republic of Yugoslavia in Kosovo with Albania and the Former Yugoslav Republic of Macedonia* until the arrival of the civilian mission of the United Nations.

3. Phased withdrawal of Yugoslav air and air defence forces:

(a) At EIF + 1 day, no Federal Republic of Yugoslavia aircraft, fixed wing or rotary, will fly in Kosovo airspace or over the ASZ without prior approval by the international security force (KFOR) commander. All air defence systems, radar, surface-to-air missiles and aircraft of the Parties will refrain from

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* Turkey recognizes Macedonia by its constitutional name.

acquisition, target-tracking or otherwise illuminating international security force (KFOR) air platforms operating in the Kosovo airspace or over the ASZ;

(b) By EIF + 3 days, all aircraft, radars, surface-to-air missiles (including man-portable air defence systems) and anti-aircraft artillery in Kosovo will withdraw to other locations in Serbia outside the 25-kilometre ASZ;

(c) The international security force (KFOR) commander will control and coordinate use of airspace over Kosovo and the ASZ commencing at EIF. Violation of any of the provisions above, including the international security force (KFOR) commander's rules and procedures governing the airspace over Kosovo, as well as unauthorized flight or activation of Federal Republic of Yugoslavia integrated air defence within the ASZ, are subject to military action by the international security force (KFOR), including the use of necessary force. The international security force (KFOR) commander may delegate control of normal civilian air activities to appropriate Federal Republic of Yugoslavia institutions to monitor operations, deconflict international security force (KFOR) air traffic movements and ensure smooth and safe operations of the air traffic system. It is envisioned that control of civil air traffic will be returned to civilian authorities as soon as practicable.

Article III

Notifications

1. This agreement and written orders requiring compliance will be immediately communicated to all Federal Republic of Yugoslavia forces.

2. By EIF + 2 days, the State governmental authorities of the Federal Republic of Yugoslavia and the Republic of Serbia shall furnish the following specific information regarding the status of all Federal Republic of Yugoslavia forces:

(a) Detailed records, positions and descriptions of all mines, unexploded ordnance, explosive devices, demolitions, obstacles, booby traps, wire entanglement, or physical or military hazards to the safe movement of any personnel in Kosovo laid by Federal Republic of Yugoslavia forces;

(b) Any further information of a military or security nature about Federal Republic of Yugoslavia forces in the territory of Kosovo and the GSZ and ASZ requested by the international security force (KFOR) commander.

Article IV

Establishment of a Joint Implementation Commission

A Joint Implementation Commission shall be established with the deployment of the international security force (KFOR) to Kosovo, as directed by the international security force (KFOR) commander.

Article V

Final authority to interpret

The international security force (KFOR) commander is the final authority regarding interpretation of this agreement and the security aspects of the peace settlement it supports. His determinations are binding on all Parties and persons.

Article VI

Entry into force

This agreement shall enter into force upon signature.

Appendices:

A. Phased withdrawal of Federal Republic of Yugoslavia forces from Kosovo.

B. International security force (KFOR) operations.

For the international security force (KFOR)

Lieutenant General Mike Jackson
Commander, KFOR

For the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia

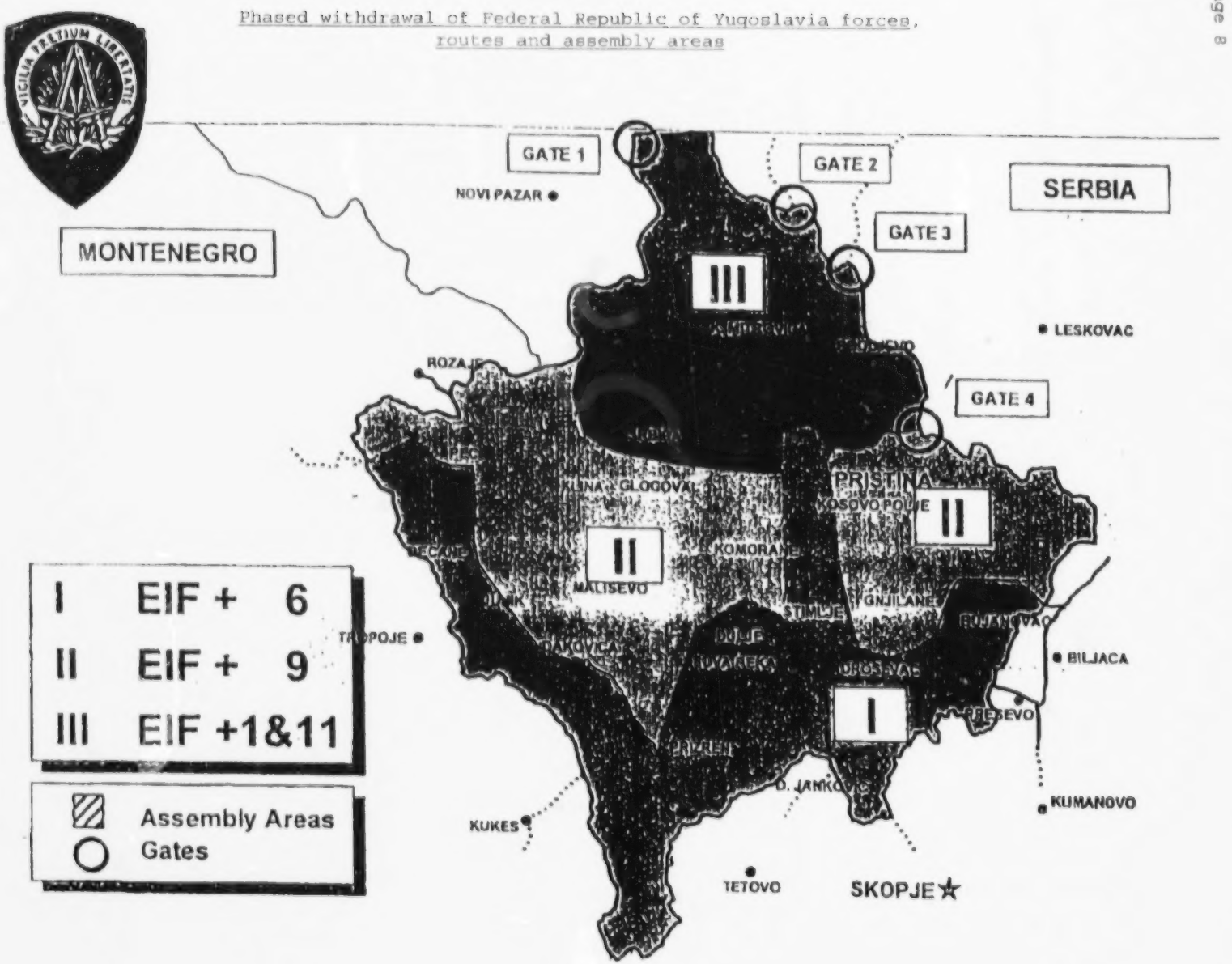
Colonel General Svetozar Marjanovic
General Staff of VJ

Lieutenant General Obrad Stevanovic
Ministry of Internal Affairs
of the Republic of Serbia

9 June 1999

Appendix A

Phased withdrawal of Federal Republic of Yugoslavia forces, routes and assembly areas



Appendix B

International security force (KFOR) operations

1. Consistent with the general obligations of the military-technical agreement the State governmental authorities of the Federal Republic of Yugoslavia and the Republic of Serbia understand and agree that the international security force (KFOR) will deploy and operate without hindrance within Kosovo and with the authority to take all necessary action to establish and maintain a secure environment for all citizens of Kosovo.

2. The international security force (KFOR) commander shall have the authority, without interference or permission, to do all that he judges necessary and proper, including the use of military force, to protect the international security force (KFOR) and the international civil implementation presence, and to carry out the responsibilities inherent in this military-technical agreement and the peace settlement which it supports.

3. Neither the international security force (KFOR) nor any of its personnel shall be liable for any damages to public or private property that they may cause in the course of duties related to the implementation of this agreement. The Parties will agree on a status-of-forces agreement as soon as possible.

4. The international security force (KFOR) shall have the right:

(a) To monitor and ensure compliance with this agreement and to respond promptly to any violations and restore compliance, using military force if required. This includes necessary actions to:

(i) Enforce withdrawals of Federal Republic of Yugoslavia forces;

(ii) Enforce compliance following the return of selected Federal Republic of Yugoslavia personnel to Kosovo;

(iii) Provide assistance to other international entities involved in the implementation or otherwise authorized by the Security Council;

(b) To establish liaison arrangements with local Kosovo authorities and with Federal Republic of Yugoslavia/Serbian civil and military authorities;

(c) To observe, monitor and inspect any and all facilities or activities in Kosovo that the international security force (KFOR) commander believes has or may have military or police capability, or may be associated with the employment of military or police capabilities, or are otherwise relevant to compliance with this agreement.

5. Notwithstanding any other provision of this agreement, the Parties understand and agree that the international security force (KFOR) commander has the right and is authorized to compel the removal, withdrawal or relocation of specific forces and weapons, and to order the cessation of any activities whenever the international security force (KFOR) commander determines a

potential threat to either the international security force (KFOR) or its mission, or to another party. Forces failing to redeploy, withdraw, relocate or to cease threatening or potentially threatening activities following such a demand by the international security force (KFOR) shall be subject to military action by the international security force (KFOR), including the use of necessary force, to ensure compliance.